vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.2161 OF 2004

Chunilal Jivan Patel ... Plaintiff

V/s.

Jitendra Lakhichand Asrani ... Defendant

Mr.J.B. Mishra for Plaintiff
None for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **APRIL 17, 2006**

P.C.:

. The Plaintiff has filed the suit on the basis of the dishonoured cheques. An amount of Rs.1 lakh was paid by the Plaintiff to the Defendant on 5.2.2002. A further amount of Rs.1 lakh was paid three days thereafter. The defendant issued a cheque for the amount of Rs.1 lakh as repayment to the plaintiff on 10.4.2002. Another cheque dated 14.2.2002 for the like amount was also issued by the Defendant to the Plaintiff. After returning this amount, the defendant took a loan of Rs.150,000/- from the plaintiff. The cheque issued by , the defendant was dishonoured because of insufficient funds. A further cheque was also dishonoured for insufficient funds. The defendant has failed to pay the dues of Rs.350,000/- to the plaintiff although the demand notice was served on the defendant in March 2004.

2. A compilation of the documents has been filed by the plaintiff. These include the dishonoured cheques. The plaintiff has paid the Court fee as directed by this Court vide order dated 16.3.2005. An affidavit to the effect is filed on record.

3. There is no defence at all by the defendants. In view of this, the suit must be decreed. Suit decreed in terms of prayer clause (a). However, interest is reduced to 6% per annum from the date of filing the suit.